

JANUARY 4, 2012 PLANNING COMMISSION MEETING MINUTES

The Eudora Planning Commission met in regular session on Wednesday evening, January 4, 2012 in the Eudora Municipal Building. Five members were present: Chairman Kurt von Achen, Ken Adkinson, Glenn Bartlett, Grant Martin and Johnny Stewart. Vice Chairman Richard Campbell and Erica Ganson were absent.

Also present were City Administrator John Harrenstein, Eudora Development Analyst Collin Bielser, Consultant Scott Michie of Lochner/BWR, and Reporter John Schulz.

Chairman von Achen called the meeting to order at 7:00 pm, the pledge of allegiance was recited, and the minutes of the November 2, 2011 meeting were approved as circulated. There had been no meeting in December, due to a joint meeting with the Lawrence-Douglas County Planning Commission before the Douglas County Commission on the regular meeting date of December 7, 2011, on the topic of the proposed sand pit on 15th Street.

von Achen asked City Administrator Harrenstein for his report. Harrenstein brought the commission up-to-date on work the City Council has done recently, including approving a contract with HDK as architects for the planned public safety building and awarding city improvement grants to the Odd Fellows Lodge for replacing their front windows and to William DeArmond for remodeling done at the Quilt Shop building he owes.

Harrenstein also said that the council has begun preliminary discussions considering a change from the present Mayor-Council form of government to the Commission-City Manager form which would make the Mayor a more equal member of the commission and allow him or her to vote. Recent changes and the hiring of city administrators have taken away many of the Mayor's former duties.

But, Harrenstein said, the most important accomplishment and a top goal of the council has been resolving the issue of Eudora's poor water quality, a long-standing problem. He said under the leadership of City Superintendent Mike Hutto with the assistance of Doug and Dennis Smith they figured out how to solve the hard water calcium content of the water by adding more lime and a coagulant. They aimed for a target between 100 and 140 but it is now much lower and ranks Eudora's water as good as or better than surrounding communities.

The Chairman remarked that he understands that the Quilt Shop is a great success and Harrenstein agreed, and named several new businesses that have started including Pennie Annie's Candy and Popcorn and The Filling Station downtown, plus Rebel Roxie's and an optometrist in the former Byrne's Pharmacy on 10th Street. Also, he said, the motorcycle shop is gone but a gun shop has taken its place.

Codes Administrator Curt Baumann was absent due to illness but his Building Inspector's report was before the members. It showed 11 addition and remodeling permits issued with a total valuation of \$63,968.

No one was present for public comment so Chairman von Achen called for Old Business; consideration of zoning regulation text amendments to require new paving and curb and gutter

improvements in off-street parking lots, including enhanced site design and landscaping and lighting standards. He asked for staff comment.

Economic Analyst Bielser said he tried to include the comments of the commission at the November meeting when he wrote the requirements under 16-501 (9) Parking Lot Construction. He emphasized that new construction will require that lots be curbed and guttered.

Consultant Michie remarked that Section 8 of the zoning regulations deals with non-conforming structures, lots and uses, and suggested that a fourth non-conforming item be added, non-conforming off-street parking.

Again, much discussion followed, along many of the lines of the November meeting. Trying to discern when new curb and guttering would be required on an existing business was the sticking point, with Bielser pointing out that present zoning calls for the new curb and gutter when an addition of 33% is added to a building, and Michie added that how drainage would be affected is not addressed now.

von Achen said that when Intech Business Park went in he wanted the roads and lots curbed and guttered and to put in storm sewers, but the former city administrator wanted a drainage ditch and that is what they got. He said the newer street, John Williams Drive, is not curbed and guttered as there is no storm drainage.

Harrenstein said that staff had exempted Industrial but von Achen said that new major industrial should have curb and guttering, if only to keep the edges of the parking lot from deteriorating.

Ken Adkinson argued that if you tie parking lots to building expansion it will make the owner borrow more to do the parking lot, and a drainage report would be needed as you can't tell what curb and guttering and paving will do to neighboring property. Adkinson used Richard Campbell's location as an example. He said Campbell badly needs a decent new building for an office, but while replacing the building would be a plus for the city, resurfacing that entire parking lot would be a huge expense.

Finally, Grant Martin suggested that on existing expansion of 33% to 49% they would only have to surface a lot, but adding more than 50% to a building would require curb and gutter.

von Achen commented "A two-step tipping point, that's good," and the commission members agreed.

Moving on, the chairman asked that one sentence be removed from (9) v. on Illumination: "Any building-mounted light fixtures should be decorative in nature and used primarily at entrances, rather than for site or parking lot lighting purposes." He said he found it repetitive.

He asked if staff wanted to go ahead with a public hearing on the paving, curb and guttering amendments, or if they wanted to wait and add the proposed non-conforming parking lot regulations for Section 8? Bielser said having only one hearing for both would save money on publication, so it was agreed to wait.

Item a) under New Business was discussion of zoning regulation text amendments to limit the height of accessory buildings in all zoning districts. Bielser explained that this was deemed necessary because there are already two two-story accessory buildings in the city and there are no regulations concerning height.

The commission members agreed with 16-406, Accessory Buildings (3): Maximum height. Accessory Building shall not exceed 1 story. Height cannot exceed the main structure or 15 feet. Height measured from grade to top of roof.

Item b) under New Business was discussion of zoning regulation text amendment allowing a concurring vote of three (3) Board of Zoning Appeal members the ability to reverse any order, requirement, decision, or determination of any administrative officer.

Bielser explained that the present rules require a unanimous vote of four members of the five-member board to reach a decision, and that almost requires that all five members be present for the meeting, and both Grant Martin and Johnny Stewart, who previously were members of the BZA, gave examples of the hardship that rule can cause, and Bielser said it is very difficult to find a time when all five members are available.

Commissioners were unanimously in favor of the amendment.

Item c) under New Business was discussion of zoning text regulations amendments to create a business promotion/event sign classification and accompanying permitting process.

This amendment was #4 Business Promotion/Event Signs, under 16-212, Temporary Event Signs. It read "Yearly permitted use for commercial businesses to promote special products or special events. Businesses are allowed up to twelve (12) events per year. Such signs shall require a sign permit to be obtained from the city codes administrator. Initiation is upon filing of the Business Promotion/Event sign permit and will terminate one (1) year after the permit has been recorded.

Bielser said staff had issues with the present regulations which allow banners and event signs only seven days and then they are to be removed. This new regulation will allow the business to obtain just one permit a year and then regulate it out, changing signs every 28 days or keeping the same sign or banner in place for the full year. This is far more business friendly, Harrenstein observed, and Bielser used as an example the Kaw Valley Bank sign advertising its new ATM is open for business. Officially that could only have been in place for seven days, which seems unreasonable. And it has been a nightmare for Baumann, who has to try and enforce these rules, Bielser added.

Bielser said this can't be your permanent business sign; this has to be a promotion or a special event.

Grant Martin said he would have trouble with torn or tattered signs. He and von Achen both suggested leaving a banner up for six weeks instead of four, and then changing it. Adkinson suggested asking businesses how long they usually leave their special promotion signs up.

It was agreed that Codes Administrator Baumann would have the power to have anything removed that is unsightly after a period of time.

The final item under New Business d) was approval of the 2012 City of Eudora, Kansas Application and Review Schedule. The chairman asked Bielser if the amount of time allowed for the various steps was workable? Bielser said that since not much is happening, it is suitable for now. **Glenn Bartlett moved to approve the schedule, Johnny Stewart seconded the motion and the vote was unanimous in favor, 5-0.**

von Achen said he had an item he would like to see on a coming planning commission agenda. It concerns whether an applicant before the Board of Zoning Appeals should be required to present a legal survey of the property where he is asking for a variance. Now the board accepts sketches and hand drawings, von Achen said, and they may not always be 100% accurate. Stewart and Martin, both former members of the BZA, were in favor of the survey.

Glenn Bartlett moved to adjourn, a number of voices seconded the motion, and the meeting adjourned at 8:14 pm.

Signed _____


Kurt von Achen, Chairman

Signed _____


Marjorie Gronniger, Secretary